

## **S.L. 2009-574, PART 43**

### **PART XLIII. LEGISLATIVE STUDY COMMISSION ON WATER AND WASTEWATER INFRASTRUCTURE (Crawford, Owens)**

**SECTION 43.1.** There is created the Legislative Study Commission on Water and Wastewater Infrastructure. The Commission shall consist of 17 members appointed as follows:

- (1) Four members of the House of Representatives, appointed by the Speaker of the House of Representatives.
- (2) Four members of the Senate, appointed by the President Pro Tempore of the Senate.
- (3) Two members appointed by the Governor.
- (4) The Secretary of the North Carolina Department of Environment and Natural Resources or the Secretary's designee.
- (5) The Secretary of the North Carolina Department of Commerce or the Secretary's designee.
- (6) The President of the North Carolina Rural Economic Development Center or the President's designee.
- (7) The Executive Director of the North Carolina Clean Water Management Trust Fund or the Executive Director's designee.
- (8) The Executive Director of the North Carolina League of Municipalities or the Executive Director's designee.
- (9) The Executive Director of the North Carolina Association of County Commissioners or the Executive Director's designee.
- (10) The Chair of the State Water Infrastructure Commission.

**SECTION 43.2.** The Speaker of the House of Representatives and the President Pro Tempore of the Senate shall each designate a cochair. The Commission may meet at any time upon the joint call of the cochairs. A quorum of the Commission shall be a majority of its members.

Vacancies on the Commission shall be filled by the same appointing authority that made the initial appointment.

Subject to the approval of the Legislative Services Commission, the Commission may meet in the Legislative Building or the Legislative Office Building.

The Legislative Services Commission, through the Legislative Services Officer, shall assign professional staff to assist the Commission in its work. The House of Representatives' and the Senate's Director of Legislative Assistants shall assign clerical support staff to the Commission, and the expenses relating to the clerical employees shall be borne by the Commission.

In addition, the State agencies and nonprofits serving on the Commission shall cooperate in providing information and additional staff resources as needed to accomplish the work of the Commission.

The Commission, while in the discharge of its official duties, may exercise all powers provided for under G.S. 120-19 and G.S. 120-19.1 through G.S. 120-19.4. The Commission may contract for professional, clerical, or consultant services as provided by G.S. 120-32.02.

Members of the Commission shall receive subsistence and travel expenses at the rates set forth in G.S. 120-3.1, 138-5, or 138-6, as appropriate.

**SECTION 43.3.** The Legislative Study Commission on Water and Wastewater Infrastructure shall focus on the development of an ongoing process to identify and regularly report to the North Carolina General Assembly on statewide water and wastewater infrastructure needs and to improve the delivery of State appropriated

water and wastewater programs. The Commission shall specifically do all of the following:

- (1) Evaluate the information provided through the drinking water and wastewater needs assessment prepared by the Environmental Protection Agency (EPA) every four years; the drinking water and wastewater needs surveys currently done by the North Carolina Department of Environment and Natural Resources in support of the EPA needs assessment; the data compiled as part of Water 2030 by the North Carolina Rural Economic Development Center, Inc.; and any other existing data sets in order to determine what information currently exists and where there may be gaps in the data.
- (2) Study an ongoing method for regularly determining and reporting on the State's water and wastewater infrastructure needs, including the subject of small towns whose water or sewer rates exceed the high-unit-cost threshold as defined in G.S. 159G-20.
- (3) Select a method for identifying and reporting on infrastructure needs in the future.
- (4) Review infrastructure funding priorities currently set out in State law to determine whether the priorities appropriately reflect the State's most pressing needs in light of future growth projections.
- (5) Recommend changes to infrastructure funding priorities and appropriations processes to ensure that funds are used to meet the State's most pressing needs.
- (6) Ascertain the capacity and role of the State in bridging identified gaps between funding priorities and available funds.
- (7) Determine what steps funding agencies can take to improve the delivery of existing funding programs, including the following options:
  - a. Developing common application requirements;
  - b. Scheduling regular joint meetings between funders and applicants;
  - c. Where projects are jointly funded, exploring options to share and improve oversight responsibilities; and
  - d. Coordinating reporting requirements to produce a single integrated funders report on an annual basis.

**SECTION 43.4.** As used in subdivision (7) of Section 43.3, "funding agencies" means the Department of Commerce, the Department of Environment and Natural Resources, the Clean Water Management Trust Fund, and the Rural Economic Development Center.

**SECTION 43.5.** On or before May 1, 2010, the Legislative Study Commission on Water and Wastewater Infrastructure shall submit an interim report to the 2009 General Assembly, Regular Session 2010. This interim report shall include any findings or recommendations of the Commission at that time. In addition, no later than the convening of the 2011 General Assembly, the Commission shall submit a final report to the General Assembly. This final report shall include the Commission's findings and recommendations under this study, including any legislative or administrative proposals. The Commission shall terminate upon the earlier of the filing of its final report or the convening of the 2011 General Assembly.